

This case is not a class action under Federal Rule of Civil Procedure 23, a derivative action under Rule 23.1, or an action related to an unincorporated association under Rule 23.2. A receiver has not been appointed in this case. This case is not governed by any federal statute that

requires a court order for dismissal of the case. Further, Plaintiff has not previously dismissed any federal or state court suit based on or including the same claims as those presented in this case.

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A) & (B), Plaintiff dismisses this case with prejudice.

Respectfully submitted,

HOLDEN & CARR

s/ Michael L. Carr

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CERTIFICATE OF SERVICE

I hereby certify that on February 8, 2013, this document was served via U.S. Mail return receipt requested on the following party, who has yet to appear in the matter:

Agrico Chemical Company, n/k/a Mosaic Fertilizer, LLC

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s/ Michael L. Carr

Michael L. Carr